

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

ABM ONSITE SERVICES – WEST, INC.	:	
	:	
and	:	Case No. 19-CA-153164
	:	
INTERNATIONAL ASSOCIATION OF	:	
MACHINISTS AND AEROSPACE WORKERS,	:	
DISTRICT LODGE W24, LOCAL LODGE 1005	:	

**RESPONDENT’S RESPONSE TO
NOTICE TO SHOW CAUSE**

Pursuant to the Order issued on July 6, 2015, Respondent ABM Onsite Services – West, Inc. (“ABM Onsite”) hereby responds to the Board’s Notice to Show Cause why the Motion for Summary Judgment (the “Motion”) filed by the General Counsel should not be granted.

ABM Onsite does not contest the General Counsel’s recitation of the procedural history of this matter, as set forth in paragraphs 1 through 4 and 8 through 13 of the Motion. Nor does ABM Onsite contest that it has refused to bargain with the Union, as alleged in paragraphs 5 through 7 of the Motion.

ABM Onsite’s refusal to bargain is based on its position that its operations and employees in question are subject to the Railway Labor Act (“RLA”) and thus the Board lacks jurisdiction in this matter, a position which ABM Onsite has maintained throughout this proceeding. *See, e.g.*, Employer’s Request for Review of Decision and Direction of Election Issued by Regional Director of Region 19 and Brief in Support of

Request, attached as Exhibit C to the Motion and incorporated herein by reference.

Because the Board lacked jurisdiction, there should not have an election in the first place, the Union should not have been certified, and thus ABM Onsite never would have had a duty to bargain with the Union.

Dated: this 17th day of July, 2015

Respectfully submitted,

By: /s/ Douglas W. Hall

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CERTIFICATE OF SERVICE

I hereby certify that, on this 17th day of June, 2015, a copy of the foregoing

RESPONDENT'S RESPONSE TO NOTICE TO SHOW CAUSE was sent via email or
e-file to the following:

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